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Next, Claims 60-74 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Fernandez-Holmann in view of Fleming. Fernandez-Holmann was cited as disclosing a computerized method for transferring funds to third parties in which the funds were deposited periodically and automatically. The Examiner stated that Fernandez-Holmann seemed to suggest a customer account file, but did not clearly disclose one, and cited Fleming as disclosing this feature. The Examiner concluded that it would have been obvious to use a customer account file, as taught by Fleming, in the system of Fernandez-Holmann. This rejection is respectfully traversed for the reasons set forth hereinafter.

Fernandez-Holmann is distinguishable on the basis that it does not disclose that transfer of funds to third parties. Rather, it discloses the depositing of funds to an individual's investment fund from that individual's credit card or credit account.

Furthermore, Fleming is not prior art against the presently claimed invention. The Fleming patent was filed on October 9, 1996, nearly six months after the April 16, 1996 priority date of the present application. Applicant notes that while the present specification correctly lists the priority application as Serial No. 08/585,173, the transmittal sheet (and consequently the filing receipt) for the present application incorrectly listed this application as Serial No. 08/575,173. Applicant regrets any confusion that this may have caused the Examiner that would have led to the priority date of the present application being overlooked.

In the priority application, the feature relied upon by the Examiner as being disclosed by Fleming is also disclosed. Specifically, the priority application states:

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The philosophy of the Allowance Card and how it works is very simple. A major credit card company [such as] Visa, Master Card, Discovery [(sic.)], Amex will be the support. Say John Doe has a card such as those stated above. He has a son and daughter in high school and wants to give them a monthly allowance but is afraid of just handing out money and where they are spending it. He has the card company issue two allowance cards under his main account. He tells the card company to take \$80.00 a month, charge it to his account, and put \$40.00 to each of children's allowance cards. They can only spend that \$40.00, no more

Thus, the third party customer account file feature of the presently claimed invention against which the Examiner has cited Fleming as disclosing, relates back to the original April 16, 1996 filing date of the priority application. Accordingly, the Fleming patent is not a prior art reference against the presently pending claims.

To be complete, Applicant notes that this application was originally received by the U.S. Patent and Trademark Office on January 11, 1996 but was not given a filing date until Applicant supplied the specification containing one claim in compliance with 35 U.S.C. § 112. Applicant can further document the completion of this application before the January 11, 1996 date it was received by the Patent Office, and before the November 21, 1995 filing of Fernandez-Holmann.

However, based upon the rejections of record this is not necessary. Fernandez-Holmann has been distinguished as set forth above, and Fleming has been demonstrated not to qualify as prior art against the present application.

Because Fleming is not available as a prior art reference, Claims 60-74 are patentable over the cited combination of Fernandez-Holmann and Fleming under 35 U.S.C. § 103 (a).

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Reconsideration and withdrawal of the rejection of the Claims 60-74 in view of the cited combination of prior art under 35 U.S.C. § 103 (a) is therefore respectfully requested.

Finally, Claims 60-74 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-38 of U.S. Patent 6,044,360. The reason given for the rejection was that the presently claimed subject matter was not distinct from the claimed subject matter of the cited patent, and that there was no apparent reason why these claims were not presented during prosecution of the cited patent. This rejection is respectfully traversed in view of the enclosed Terminal Disclaimer for the reasons set forth hereafter.

The Office Action states that this rejection can be overcome by the timely filing of a Terminal Disclaimer. Accordingly, a Terminal Disclaimer is enclosed herewith, complying with the requirements of 37 C.F.R. § 1.321(b) and setting forth the common ownership of the cited patent. In view of the enclosed Terminal Disclaimer, the obviousness-type double patenting rejection of Claims 60-74 in view of Claims 1-38 of U.S. Patent No. 6,044,360 has thus been overcome. Reconsideration by the Examiner is therefore respectfully requested.

To be complete, Applicant notes that there has been no acknowledgment that the prior art submitted with his Petition to "make special" has been considered by the Examiner. A copy of the Information Disclosure Statement bearing the October 25, 2000 date stamp of Technology Center 2700 is enclosed with this response, together with the Form PTO-1449 listing the prior art that was submitted. Confirmation by the Examiner that this prior art has indeed been considered is respectfully requested.

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Otherwise, in view of the enclosed Terminal Disclaimer and the foregoing remarks, this application is now in condition for allowance. The concerns raised by the Examiner have been resolved, so that reconsideration is therefore respectfully requested. However, the Examiner is reminded that this Application has been "made special" because of infringement by third parties and is requested to telephone the undersigned to discuss any remaining issues in this application to be resolved.

Finally, if there are any additional charges in connection with the Reply, the Examiner is authorized to charge Applicant's Deposit Account No. 19-5425 therefore.

Respectfully submitted,



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